Construction, Production & Maintenance Laborers' Local Union 383, Laborers' International Union of North America, AFL-CIO and Carter-Glogau Laboratories, Inc. Case 28-CB-1710

March 30, 1982

DECISION AND ORDER

By Members Jenkins, Zimmerman, and Hunter

On October 16, 1981, Administrative Law Judge Clifford H. Anderson issued the attached Decision in this proceeding. Thereafter, Respondent filed exceptions and a supporting brief, the Charging Party filed cross-exceptions, and the General Counsel and Charging Party filed answering briefs to which Respondent filed an answering brief.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has considered the record and the attached Decision in light of the exceptions and briefs and has decided to affirm the rulings, findings, and conclusions of the Administrative Law Judge and to adopt his recommended Order, as modified herein. ¹

ORDER

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board adopts as its Order the recommended Order of the Administrative Law Judge, as modified below, and hereby orders that the Respondent, Construction, Production & Maintenance Laborers' Local Union 383, Laborers' International Union of North America, AFL-CIO, Glendale, Arizona, its officers, agents, and representatives, shall take the action set forth in the said recommended Order, as so modified:

- 1. Substitute the following paragraphs for paragraphs 1(a) and (b):
- "(a) Threatening employees who remain working during our strike against Carter-Glogau Laboratories, Inc., at its Glendale, Arizona, facility with damage to their personal property; harm to the employees or their families; and the planting of an explosive device on the struck premises.
- "(b) Causing the employees to fear injury or retribution by making obscene and sexual suggestions; following their automobiles at high rates of speed; and by taking their photographs and recording their automobile license numbers.

- "(c) Blocking entrances to the facility and damaging and striking commercial vehicles, including ambulances, as they attempt to enter the facility.
- "(d) Damaging employee vehicles by striking vehicles by picket sign, chain, or kick; letting air out of the tires; placing nails on the road; throwing acid or a similar substance on vehicles; and striking windshields.
- "(e) Assaulting employees with such things as picket signs or baseball bats.
- "(f) In any like or related manner restraining or coercing employees in the exercise of rights guaranteed them by the National Labor Relations Act."

DECISION

STATEMENT OF THE CASE

CLIFFORD H. ANDERSON, Administrative Law Judge: This matter was heard by me at Phoenix, Arizona, on August 11, 1981, pursuant to a complaint and notice of hearing issued on January 21, 1981, by the Regional Director for Region 28 of the National Labor Relations Board (Director and Board respectively) and an amended complaint and notice of hearing issued on February 4, 1981, by the Director. The complaint and amended complaint were based upon a charge in Case 28-CB-1710 filed by Carter-Glogau Laboratories, Inc. (the Employer or the Charging Party), against Construction, Production & Maintenance Laborers' Local Union 383, Laborers' International Union of North America, AFL-CIO (Respondent or the Union), on December 12, 1980. The amended complaint as further amended orally at the hearing alleges a variety of picket line misconduct as violative of Section 8(b)(1)(A) of the National Labor Relations Act (Act). Respondent does not deny that the alleged conduct is attributable to it but denies that the admitted acts constitute violations of the Act. The Union and the Employer also raise certain procedural objections to the processing of the case.

All parties were given full opportunity to participate at the hearing, to introduce evidence, to examine and cross-examine witnesses, to argue orally, and to file briefs. Upon the entire record herein, including the pleadings, stipulations, and post-hearing briefs of the parties, I make the following:

¹ We have modified the Administrative Law Judge's recommended Order to clearly and properly set forth therein the violations found in the text of his Decision.

¹ Respondent and the General Counsel entered into a stipulation of facts and, based upon my acceptance of that stipulation, rested their cases without adducing testimony. The Charging Party did not enter into the stipulation. Counsel for the Charging Party objected to closing the record without a full "evidentiary hearing." In light of the positions of the General Counsel and Respondent and in view of my determination announced at the hearing, that the stipulation of facts was sufficient to support findings of fact with respect to all contested allegations of the complaint, I reaffirm my previous ruling that the objection of the Charging Party is without merit. Humana Corp. d/b/a Sunrise Hospital Medical Center, 254 NLRB 1377 (1981).

² At the close of the hearing I set September 15, 1981, as the due date for submission of briefs. On the request of counsel for Respondent, the due date was extended by Deputy Chief Administrative Law Judge James T. Barker to October 5, 1981. Briefs from the General Counsel, the Charging Party, and Respondent were timely submitted.

FINDINGS OF FACT

I. RESPONDENT'S ARGUMENT THAT THE ISSUANCE OF THIS DECISION SHOULD BE DELAYED

Judges, including administrative law judges, should not delay in issuing decisions where the record is properly closed, briefs submitted, and the issues considered. Counsel for Respondent argues that I should withhold the issuance of my decision in this matter for a substantial period for the following reasons.³

The Director sought and obtained from a United States district court a pendente lite order against Respondent pursuant to Section 10(j) of the Act which order will remain in effect until the Board's decision in the case.4 Respondent has appealed that order to the United States Court of Appeals for the Ninth Circuit and contemplates a decision by the court sometime after the time that the instant Decision would issue in the normal course. It is also likely, in Respondent's estimation, that the Board's decision in the instant case would also issue before the court of appeals issues its decision on the appeal of the district court's injunction. Counsel for Respondent asserts the not unlikely proposition that the court of appeals would be ill-disposed to reach the merits of Respondent's appeal of the district court's injunction, if the Board has issued its decision herein. Respondent contemplates that if the Board does not delay its processing of this case, Respondent will be deprived of an opportunity to obtain review of the district court's order in the court of appeals.5 Further the parties will be exposed to the unnecessary cost of multiple litigation. For these reasons Respondent urges delay.6

The most obvious rationale for pressing cases to decision without delay for collateral matters is the traditional aphorism that justice delayed is justice denied. Rights of aggrieved parties must be protected. Delay harms those who seek the protection of the court and who seek the redress of wrong done them. In the instant case Respondent seeks delay. The Employer, the alleged aggrieved party, and the General Counsel do not concur. Respondent is able to assert that the order of the court now laid against it is essentially equivalent to any Board Order which would ultimately issue should Respondent lose the case on the merits. Since it is seeking delay in

the Board's decision only to the time it obtains the court of appeals' decision in its 10(j) appeal, Respondent argues it will gain no substantive benefit from Board delay and, equally, the Charging Party will incur no substantive loss as a result of the delay. Given no prejudice to the Charging Party and the described effect of an undelayed decision, argues Respondent, I should grant the requested delay.

I have determined that there is insufficient reason for me to delay issuance of this Decision based upon the request of Respondent. The Board may determine to delay its own decision in this matter should appropriate exceptions to this Decision place the issue before them. Immediate issuance of my Decision does not preclude the Board from delaying its own determination if it finds it appropriate to do so. Delay in the issuance of my Decision could, however, preclude the Board from determining delay is not appropriate. Thus, the immediate issuance of this Decision preserves for the Board a final decision on Respondent's arguments which a delay of this Decision could preclude.

I do not however decline to delay issuance of this Decision only to preserve the issue for the Board. I strongly believe that the tempo of the judicial process should not be modified to suit the tactical needs of parties litigant. It is true that issuance of the Board decision in the normal course may prevent Respondent from obtaining a decision on its appeal of the district court's order. Indeed, even if such court review were forthcoming, subsequent developments occurring after the court of appeals' decision could cause that court or the Supreme Court to vacate any appellate decision on the 10(j) issue. 8 It is the essential nature of pendente lite relief that it is soon rendered moot. Indeed, the circuit courts of appeals, which are charged with hearing appeals from district court 10(j) decisions, have had occasion to lament the sometimes slow procedures of the Board which fail to decide the underlying issues of the unfair labor practice case before the court hears the appeal of a district court 10(j) decision in the same matter. See, e.g., Samuel M. Kaynard v. Mego Corp., 633 F.2d 1026 (2d Cir. 1980). Given all the above, it is clear the courts prefer the Board to proceed with alacrity on the underlying unfair labor practices. I do not feel it appropriate that I withhold or delay my decision to in effect force the court of appeals to reach issues it might otherwise choose to forgo. 9 Accordingly, I will not delay the issuance of this Decision and I shall therefore deny Respondent's motion to delay issuance. Lex reprobat moram.

II. JURISDICTION

The Employer is, and has been at all times material herein, a corporation duly organized under, and existing by virtue of, the laws of the State of Ohio with a place

³ Respondent also moved for a continuance at the commencement of the hearing which motion I denied.

⁴ The fact that such an injunction was sought and/or was obtained by the Director is irrelevant to any determination of the merits of the case before me. Therefore, these events are considered only in evaluating Respondent's arguments regarding the timing of the issuance of the instant Decision.

⁵ The basis or theory of Respondent's appeal of the district court's 10(j) injunction is irrelevant to any issue before me. I do find, however, that Respondent's appeal has been made in all apparent good faith and that its argument before me concerning delay in the issuance of my Decision is also made in good faith.

⁶ Respondent, on brief, cites the decision of the U.S. Court of Appeals for the Ninth Circuit, Antonio R. Leyva, et al. v. Certified Grocers of California, Ltd., 593 F.2d 857 (1979), for the proposition that a trial court may grant such a stay as requested here. I find, however, that the issue is one of the exercise of discretion rather than one regarding my power to grant the stay.

⁷ Respondent also notes the district court's current order is arguably more effective than a Board Order for the court's order is immediately enforceable by means of its contempt power.

⁸ See, for example, McLeod v. General Electric Co., et al., 385 U.S. 533 (1967), vacating as moot 366 F.2d 847 (2d Cir. 1966).

⁹ In this sense Respondent is asking that I take action which may be viewed by the court as an attempt by the Board and its judges to pass to the court issues better initially resolved by this Agency. I reject the notion that the court ought to decide cases so that I may avoid doing so. I suspect the court would agree.

of business in Glendale, Arizona, where it is engaged in the business of manufacturing and packing injectible medications.

The Employer annually purchases goods and materials valued in excess of \$50,000 for use in its Glendale, Arizona, operations and caused these goods and services to be transported to it from suppliers located outside the State of Arizona.

III. LABOR ORGANIZATION

The Union has at all relevant times been a labor organization within the meaning of Section 2(5) of the Act.

IV. THE ALLEGED UNFAIR LABOR PRACTICES

A. Agency

The General Counsel alleged and Respondent denied the agency status of certain named individuals. Respondent and the General Counsel chose to rest on the factual stipulation that "various agents of Respondent engaged in, acquiesced in, ratified or otherwise failed to disavow" the conduct involved herein. This stipulation does not support specific allegations as to the agency of named individuals in the complaint. Therefore, I find that there is insufficient evidence to support those allegations. ¹⁰ I further find however, and Respondent does not contest, that the stipulation is sufficient to attribute to Respondent the conduct adopted by reference in the stipulation without specific findings as to the name of the particular agent(s) of Respondent identified with particular conduct.

B. The Events

At all relevant times, Respondent has had a labor dispute with the Employer. In furtherance to the position, Respondent, since on about November 18, 1980, and continuing to the time of the hearing, picketed the Employer's Glendale, Arizona, operations. During the same period the Employer has continued its business operations.

Based on the stipulation of fact, I find that Respondent's agents at the facility engaged in the following acts and conduct on the dates indicated:

- 1. On or about November 21, 1980, and December 3, 1980, agents of Respondent blocked an entrance to the Carter-Glogau plant, thereby preventing or otherwise impeding ingress to and egress from said facility.
- 2. On or about December 5, 1980, agents of Respondent kicked the vehicle of a nonstriking employee.
- 3. On or about December 8, 1980, agents of Respondent threatened nonstriking employees with damage to their personal property.
- 4. In or about the week of December 1, 1980, agents of Respondent repeatedly scratched the vehicles of non-striking employees with a picket sign.

- 5. On or about December 17, 1980, agents of Respondent threatened a nonstriking employee and that striking employee's family with harm because that employee was working behind the picket line.
- 6. On or about December 18, 1980, agents of Respondent threatened a nonstriking employee with bodily harm because that employee was working behind the picket line.
- 7. On or about December 24, 1980, agents of Respondent threatened a nonstriking employee with bodily harm because that employee was working behind a picket line.
- 8. On or about December 29, 1980, agents of Respondent threatened a nonstriking employees with bodily harm and with damage to that employee's vehicle because that employee was working behind the picket line.
- 9. From November 18, 1980, and continuing till February 4, 1981, on a daily basis, agents of Respondent blocked the entrances to the Carter-Glogau plant, thereby preventing or otherwise impeding ingress to or egress from the plant.
- 10. On or about January 8, 1981, and various other dates, agents of Respondent threatened nonstriking employees with physical harm if they continued to work behind the picket line.
- 11. On or about January 8, 1981, and various other dates, agents of Respondent threatened nonstriking employees with bodily harm if they continued to work behind the picket line.
- 12. Since November 18, 1980, agents of Respondent damaged the vehicles of nonstriking employees as they were entering or leaving the plant.
- 13. On or about January 8, January 22, and February 2, 1981, and on other dates, agents of Respondent pursued or otherwise followed at high rates of speed the vehicles of nonstriking employees after the employees had exited from the Carter-Glogau premises thereby placing said employees in apprehension that they would be harmed or otherwise endangering said employees by reason of the pursuit.
- 14. On or about January 8, 1981, agents of Respondent physically assaulted a nonstriking employee by striking him with a picket sign.
- 15. On or about January 14, 1981, agents of Respondent entered upon the Carter-Glogau premises and thereon proceeded to let the air out of the tires of a vehicle belonging to a nonstriking employee.
- 16. In or about January 1981, agents of Respondent struck the windshield of the car of a nonstriking employee with a picket sign.
- 17. During the week of January 19, 1981, at various times and on a daily basis, agents of Respondent placed nails on the Carter-Glogau premises, thereby causing numerous instances of damage to the automobiles of non-striking employees.
- 18. Since on or about December 15, 1980, and on a daily basis thereafter, agents of Respondent have intimidated nonstriking employees by taking pictures of them and/or writing down the license plate numbers of the vehicles of nonstriking employees.
- 19. On January 29, 1981, and on various other dates, agents of Respondent intimidated and coerced nonstrik-

¹⁰ The Charging Party's assertions on brief that conduct may be assessed to the individuals named in the complaint based upon the stipulation are rejected. The factual stipulation did not include named agents and Respondent's denial of the agency allegations in its answer was unchanged.

ing employees by making obscene remarks and gestures of a sexually suggestive nature to nonstriking female employees as the latter worked behind the picket line. 11

- 20. On or about January 30, 1981, agents of Respondent threatened a nonstriking employee with bodily harm.
- 21. On or about February 2, 1981, agents of Respondent threatened a nonstriking employee with bodily harm while brandishing a baseball bat.
- 22. On or about January 20, 1981, agents of Respondent threatened a nonstriking employee with bodily harm.
- 23. On or about February 3, 1981, agents of Respondent damaged the vehicle of a nonstriking employee by hitting said vehicle with a chain.
- 24. On or about Janury 19, 1981, agents of Respondent threatened to damage the physical facility of the Employer by planting an explosive device in said facility, thus endangering the lives of nonstriking employees, supervisors, and other persons.
- 25. On or about February 20 and 23, 1981, and various other dates, agents of Respondent damaged the vehicles of nonstriking employees by throwing acid, or a similar substance on said vehicles as they crossed the picket line.
- 26. On or about March 13, 1981, agents of Respondent struck an ambulance with a picket sign while it was attempting to exit the premises.

C. Analysis and Conclusion

While the stipulated facts are not in dispute and the conduct described has traditionally been found to violate Section 8(b)(1)(A) of the Act, Respondent raises several arguments in opposition to the allegations and in support of dismissal of the complaint. First, Respondent notes the "vast majority" of the allegations allege threats of physical harm and the General Counsel has not alleged that the threats were "followed up." Respondent thus argues the threats were "idle" and hence not unlawful conduct, citing Board cases in which apparent threats were held to constitute mere extravagant language or a "moment of animal exuberance." 12

The Board has noted that in cases of picket line misconduct:

... the conduct of the threatening parties should be analyzed to inquire if such conduct gave "a sense of immediacy and credence" to the threat, such as past or accompanying violence. Gold Kist, Inc., 245 NLRB 1095, 1099, fn. 7 (1979), characterizing the decision in W. C. McQuaide, Inc., 220 NLRB 593 (1975).

The stipulation of fact on which the instant findings rely does not contain such factual context. I find, however, that the stipulated threats—the stipulation adopts the word "threatened"—sustain the General Counsel's prima facie case as to each allegation. Being unrebutted, the

above findings of fact support the additional finding of a violation of Section 8(b)(1)(A) of the Act in each and every instance of alleged threats. 13

Respondent argues similarly with respect to item 18, supra, that there is a legitimate union objective in photographing and recording license numbers of nonstriking employees and that the General Counsel has offered "no evidence of coercive [Union] objective." While Respondent is correct that noncoercive conduct of the type described is not violative of the Act, where such conduct in fact intimidates employees it may be inferred that the actions were calculated by the union to instill fear of retribution among the employees involved. Such conduct does violate the Act. Dover Corporation, Norris Division, 211 NLRB 955 (1974). Based on the stipulation—which uses the verb "intimidated" in describing the effect of this conduct on the nonstriking employees—I find that the General Counsel has sustained its prima facie case. Being unrebutted, the stipulation supports a finding of a violation of Section 8(b)(1)(A) here. 14

Respondent argues that the complaint's "blockage" allegations and damage allegations are of indeterminate severity, are generally isolated, and constitute minor incidents. Thus Respondent seeks dismissal of these counts as de minimis. I view the entire stipulation with its multiple acts and conduct as rebutting any defense of de minimis on this record. The totality of Respondent's acts as a course of conduct lends support to the finding that each action is separately violative of the Act. Again the stipulation, in my view, sustains the General Counsel's prima facie case as to these allegations. The failure of Respondent to rebut or supply an explaining context to the admitted conduct sustains the violation in each instance and when taken as a single course of conduct.

The General Counsel in his brief, which is otherwise heavy with case citations, offers no authority for the proposition that "making obscene remarks and gestures of a sexually suggestive nature to nonstriking female employees" violates Section 8(b)(1)(A) of the Act. Counsel for the Charging Party, disregarding the more specific factual references contained in her brief (see fn. 11), makes an eloquent argument that such conduct is tantamount to or even more violative of the Act than threats of serious physical injury and should be so regarded. Respondent argues that the narrowly described conduct is insufficient to support a finding of a violation. The stipulation by its terms states that Respondent's conduct as to this allegation "intimidated and coerced nonstriking employees." Thus by the stipulation Respondent has ad-

¹¹ Counsel for the Charging Party's arguments on brief regarding this allegation include assertions of much more specific conduct by Respondent's agents. These assertions are without factual support on the record and I do not rely on them. The conduct found is more specific than that set forth here.

¹² A frequently cited phrase taken from Milk Wagon Drivers Union of Chicago, Local 753, et al. v. Meadowmoor Dairies, Inc., 312 U.S. 287, 293 (1941).

¹³ The parties do not dispute the conventional notion that threats to employees violate Sec. 8(b)(1)(A), and the General Counsel's lengthy citations of authority for this proposition will not be repeated here.

¹⁴ Similarly with respect to item 13, *supra*, I find the language of the stipulation that Respondent's conduct "thereby plac[ed] employees in apprehension that they would be harmed . . ." carries the General Counsel's *prima facte* case and I find that employees were wrongfully restrained and coerced thereby.

¹⁵ The General Counsel cites Shopmen's Local Union No. 455, et al. (Stokvis Multi-Ton Corp.), 243 NLRB 340, 343 (1979), for the proposition that even a brief blockage of exits and entrances may violate the Act. He also cites District 34. International Association of Machinists and Aerospace Workers. AFL-CIO. etc. (The Wolf Machine Company), 254 NLRB 282 (1981), in support of his "tire damage" allegation.

mitted the necessary restraint and coercion which sustains a finding of a violation of Section 8(b)(1)(A) of the Act. I rely on that admission to find the violation here and make no additional findings on the per se effect on employees of this conduct.¹⁶

In summary I find that, in each instance as described in items 1-26, supra, and in their totality as a course of conduct, Respondent has restrained and coerced employees in the exercise of their Section 7 rights and thereby violated Section 8(b)(1)(A) of the Act. With respect to the allegations not specifically analyzed, these constitute traditional violations of Section 8(b)(1)(A) of the Act and Respondent does not seriously contest such a conclusion save by the de minimis argument rejected, supra. With respect to the bulk of the remaining violations, I have concluded that the stipulation of fact entered into by the General Counsel and Respondent supports a finding that as to each allegation the General Counsel has sustained his prima facie case which, because unrebutted by Respondent, in turn supports the finding of a violation of the Act in each instance.

V. THE REMEDY

Having found that Respondent engaged in certain unfair labor practices, I shall recommend that it cease and desist therefrom and take certain affirmative action designed to effectuate the purposes of the Act.

The General Counsel and the Charging Party seek a broad cease-and-desist order. The General Counsel also seeks an order requiring the mailing of the remedial notice to employees. Respondent opposes the issuance of a broad order and, apparently in ignorance of the fact that the General Counsel would seek such relief on brief, did not address the question of an order requiring mailing of the notice to employees. ¹⁷

Under all the circumstances of the case I do not feel it appropriate to order mailing of notices to employees. The Charging Party, consistent with normal Board remedies, will be afforded an opportunity to post the notice at its facility. No special facts were offered at the hearing to indicate this posting will not prove adequate. Nor, since Respondent was not aware such relief was or would be requested by the General Counsel, did Respondent adduce any evidence on the question. It is true that the Board has ordered such relief in appropriate situations. See, e.g., Amalgamated Meat Cutters and Butcher Workmen of North America and Local 222 (Iowa Beef Processors, Inc.), 233 NLRB 839 (1977). Where, as here, the record is a narrow factual stipulation and the remedy issue was not litigated, I find it inappropriate to grant the requested relief.

The Charging Party's and the General Counsel's request for a broad order is also without merit. There is no evidence that Respondent has a proclivity to violate the Act. While the conduct involved herein is serious and

occurred over a substantial period of time, it was confined to the one facility during an ongoing economic dispute. In these circumstances a broad order is not appropriate. Bartenders, Hotel, Restaurant and Cafeteria Employees Union Local 36, et al. (Action One, Inc.), 222 NLRB 821 (1976).

The Charging Party seeks an order making Respondent and the General Counsel whole for litigation expenses. I do not find such an order appropriate here. First, Respondent entered into a stipulation which obviated the need for the taking of testimony. I have rejected Respondent's argument for delay in issuance of my Decision, but found the argument to have been made in good faith. Therefore I do not find Respondent's conduct in management of this litigation frivolous. The Charging Party's cited cases are distinguishable.

Upon the foregoing findings of fact, and the entire record herein, I make the following:

CONCIUSIONS OF LAW

- 1. The Employer is an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act.
- 2. The Union is a labor organization within the meaning of Section 2(5) of the Act.
- 3. Respondent has violated Section 8(b)(1)(A) of the Act by engaging in the conduct set forth in section IV,B, items 1-26, of this Decision.
- 4. The unfair labor practices set forth above affect commerce within the meaning of Section 2(6) and (7) of the Act.

Upon the foregoing findings of fact, conclusions of law, and the record as a whole, and pursuant to Section 10(c) of the Act, I hereby issue the following recommended:

ORDER 18

The Respondent, Construction, Production & Maintenance Laborers' Local Union 383, Laborers' International Union of North America, AFL-CIO, Glendale, Arizona, its officers, agents, and representatives, shall:

- 1. Cease and desist from:
- (a) Engaging in the conduct described in section IV,B, items 1-26, of this Decision.
- (b) In any other manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed under Section 7 of the Act.
- 2. Take the following affirmative action which is necessary to effectuate the policies of the Act:
- (a) Post at its business offices and meeting halls copies of the attached notice marked "Appendix." ¹⁹ Copies of

¹⁶ I also decline to adopt any suggestion that obscene remarks or sexual references are in some manner of less consequence when directed at male employees.

¹⁷ There is no record evidence that Respondent should have been aware of the proposed remedy. The terms of the settlement proffered Respondent by the General Counsel before the hearing did not include provision for the mailing of notices to employees.

¹⁸ In the event no exceptions are filed as provided by Sec. 102.46 of the Rules and Regulations of the National Labor Relations Board, the findings, conclusions, and recommended Order herein shall, as provided in Sec. 102.48 of the Rules and Regulations, be adopted by the Board and become its findings, conclusions, and Order, and all objections thereto shall be deemed waived for all purposes.

¹⁹ In the event that this Order is enforced by a Judgment of a United States Court of Appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

said notice, on forms provided by the Regional Director for Region 28, after being duly signed by its authorized representative, shall be posted by Respondent immediately upon receipt thereof, and be maintained for 60 consecutive days thereafter, in conspicuous places, including all places where notices to members are customarily posted. Reasonable steps shall be taken by Respondent to insure that said notices are not altered, defaced, or covered by any other material.

- (b) Furnish the Regional Director with signed copies of the notice for posting by Carter-Glogau Laboratories, Inc., if willing, at all places at its Glendale, Arizona, facility where notices to its employees are customarily posted.
- (c) Notify the Regional Director for Region 28, in writing, within 20 days from the date of this Order, what steps the Respondent has taken to comply herewith.

APPENDIX

NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

After a hearing at which all sides had an opportunity to present evidence and state their positions, the National Labor Relations Board found that we have violated the National Labor Relations Act, as amended, and has ordered us to post this notice.

WE WILL NOT threaten employees who remain working during our strike against Carter-Glogau Laboratories, Inc., at its Glendale, Arizonia, facility with damage to their personal property; harm to the employees or their families; and the planting of an explosive device on the struck premises.

WE WILL NOT cause the above employees to fear injury or retribution by making obscene and sexual suggestions; following their automobiles at high rates of speed; and by taking their photographs or recording their automobile license numbers.

WE WILL NOT block entrances to the facility or damage or strike commercial vehicles, including ambulances, as they attempt to enter the facility.

WE WILL NOT damage employee vehicles by striking vehicles by picket sign, chain, or kick; letting air out of tires; placing nails on the road; throwing acid or a similar substance on vehicles; and striking windshields.

WE WILL NOT assault employees by means of picket signs or baseball bats.

WE WILL NOT in any like or related manner restrain or coerce employees in the exercise of the rights guaranteed them by the National Labor Relations Act.

CONSTRUCTION, PRODUCTION & MAINTE-NANCE LABORERS' LOCAL UNION 383, LA-BORERS' INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO